



1733

Docket No.: 22750/494

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Engelbert LÖCHER et al.
Serial No. : 09/911,730
Filed : July 24, 2001
For : METHOD AND DEVICE FOR PRODUCING
SPUNBONDED NONWOVEN FABRIC
Group Art Unit : 1733
Examiner : Jeff H. AFTERGUT
Confirmation No. : 5592

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Date: November 4, 2003

Reg. No. 31,792

Signature:

Richard M. Rosati

RESPONSE TO RESTRICTION REQUIREMENT

SIR:

This is in response to the requirement for restriction dated September 5, 2003, for which a three-month response period expiring on December 5, 2003 was set. Applicants elect, with traverse, claims 1-8 (i.e., Group I) for further prosecution on the merits. However, it is respectfully submitted that the restriction requirement should be withdrawn for the following reasons.

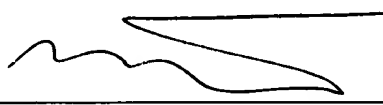
In support of the requirement, the Office Action states that the inventions of Groups I, II and III are distinct from each other. However, restriction under 35 U.S.C. § 121 can be made only if two inventions are both independent and distinct. "Independent", as defined in the MPEP (for purposes of restriction practice)

means that "there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation or effect ... (emphasis added)." MPEP § 802.01. It is submitted that the inventions of Groups I, II and III are not independent because the device of claims 9-28 is especially adapted for carrying out the method of claims 1-8, and the nonwoven fabric of claim 29 is produced using the process of claim 1. Indeed, claims 9-29 are dependent from method claims 1-8.

In addition, examination of the claims of Group I (claims 1-8) would involve searching all of the Patent and Trademark Office classes and subclasses in which the claims of Groups II and III are also classified. Therefore, the same patentability search would embrace all claims. Actually, the claims bear such relation to one another as to bring them within the bounds of a single invention.

For the preceding reasons, the restriction requirement between the claims of Groups I, II and III should be withdrawn.

Respectfully submitted,



Dated: November 4, 2003

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